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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,855	12/05/2001	Tomoaki Itoh	5077-000076	8889

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EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,855	Applicant(s) ITOH ET AL.	
	Examiner KAMAL B. DIVECHA	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20060322</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Claims 3-9 and 11 are pending in this application.

In response filed, applicant argues in that Neither Ort, Green and Muller teach, suggest request or receive from a server a reproduction from an intermediate portion of a data stream (remarks, page 8).

Applicant's arguments with respect to claims 3-9 and 11 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/22/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 3-9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "...wherein the connection request is configured to receive from the server a reproduction from an intermediate portion of a data stream". The limitation is unclear as it fails to disclose what is being received from the server.

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For examining purposes, the recited limitation will be interpreted as: "...wherein the connection request is configured to receive from the server a streaming data from an intermediate portion of a data stream.

Claims 2-9 and 11 are rejected for the same reasons as set forth in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. (hereinafter Glaser, U. S. Patent No. 6,151,634) in view of Muller et al. (hereinafter Muller, US Patent 6,356,541).

As per claim 3, Glaser teaches a data-receiving terminal for receiving and reproducing data sent from a server (fig. 3 item #110), comprising:

data receiving means for receiving data having time stamps indicating reproduction order(fig. 3 item #300 and col. 10 L20-64);

decoding means for decoding data received by the data receiving means in the order of the time stamps (fig. 3 item #320 and col. 7 L35 to col. 8 L11), and outputting the time stamps of the decoded data (fig. 8A item #880, 890, fig. 7 item #720);

memory for storing time stamp (fig. 8A item #880, 890);

display means for displaying the data decoded by the decoding means(fig. 8A, fig 1 item#115,);

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a memory for storing at least connection address and time stamp as a group (col. 10 L12 to col. 11 L57 and col. 8 L30-45, col. 14 L66 to col. 15 L13).

memory management means for managing that the time stamp outputted by the decoding means replaces a time stamp corresponding to the connection address during connection in the memory(col. 16 L51 to col. 17 L14, col. 17 L46 to col. 18 L5);

user input means for analyzing an external operation and outputting at least a connection address (fig. 4A item #403, 404, fig. 4B item #420, 424, 426, 428, 429);

connection request creation means for creating a connection request requesting the server to send data, based on the connection address outputted from the user input means and the time stamp (fig. 4A-4B, fig. 6A-6B, col. 8 L31-47, col. 9 L20-57 and col. 10 L12-67); and

message sending/receiving means for sending the connection request created by the connection request creation means to the server, and processing the response from the server, wherein the connection request means is configured to receive from the server a reproduction from an intermediate portion of a data stream (fig. 1, fig. 3 item #300, fig. 4A-4B, fig. 6A-6B, col. 8 L31-47, col. 9 L20-57 and col. 10 L20 to col. 11 L57).

However, Glaser does not disclose connection address detection means for detecting whether the connection address outputted by the user input means is stored in the memory and connection request means for creating a connection request based on the detection result from the connection address detection means and the connection address stored in the memory.

Muller teaches a memory for storing at least connection addresses (Abstract), connection address detection means for detecting whether the connection address outputted by the user input means is stored in the memory (Abstract, col.2, lines15-50); connection request creation means

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for creating a connection request requesting the server to send data, based on the connection address outputted from the user input means, the detection result from the connection address detection means, and the connection address stored in the memory (Abstract, col.2, lines15-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify Glaser in view Muller in order to detect whether the connection address requested by the user is stored in memory and establishing a connection to a server based on the address and timestamp.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to resume playing the audio or video data at the point where the user paused the playing of data (Glaser, col. 10 L20-58, col. 11 L30-47).

As per claim 4, Glaser discloses the system comprising detecting the connection request requesting the sending of data from a data position indicated by the time stamp corresponding to this connection address (col. 10 L20 to col. 11 L47), however Glaser does not disclose a connection address detection means for detecting in the memory the connection address.

Muller teaches a memory for storing at least connection addresses (Abstract), connection address detection means for detecting whether the connection address outputted by the user input means is stored in the memory (Abstract, col.2, lines15-50); connection request creation means for creating a connection request requesting the server to send data, based on the connection address outputted from the user input means, the detection result from the connection address detection means, and the connection address stored in the memory (Abstract, col.2, lines15-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify Glaser in view Muller in order to detect whether the connection address

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requested by the user is stored in memory and establishing a connection to a server based on the address and timestamp.

One of ordinary skilled in the art would have been motivated for the same reasons as set forth in claim 3.

As per claim 5, Glaser discloses the system wherein the user input means further analyses external operation and outputs a selection signal in response to a message (fig. 4A-fig. 4B); and the connection request creation means displaying a message with the display means asking to decide whether to request the sending of data from the time stamp with respect to the connection address, and creates a connection request to the server based on a selection signal with regard to the message outputted from the user input means (col. 11 L1-47 and fig. 4B), however Glaser does not disclose the connection address detection means for detecting the address in the memory.

Muller teaches a memory for storing at least connection addresses (Abstract), connection address detection means for detecting whether the connection address outputted by the user input means is stored in the memory (Abstract, col.2, lines15-50); connection request creation means for creating a connection request requesting the server to send data, based on the connection address outputted from the user input means, the detection result from the connection address detection means, and the connection address stored in the memory (Abstract, col.2, lines15-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify Glaser in view Muller in order to detect whether the connection address requested by the user is stored in memory and establishing a connection to a server based on the address and timestamp.

One of ordinary skilled in the art would have been motivated for the same reasons as set forth in claim 3.

As per claim 6, Glaser discloses the system wherein the memory stores as a group at least an active flag indicating whether content is being received, the connection address, and the time stamp (fig. 8A item #890, 880, 840 and 800), and wherein, when the time stamp is outputted by the decoding means, the memory management means detects, of the active flags stored in the memory, an active flag indicating that content is being received, and replaces the time stamp corresponding to this active flag indicating that content is being received(fig. 8A and col. 13 L10-24).

As per claim 7, Glaser discloses the system wherein the memory stores as a group at least a reproduction termination flag indicating content that has been reproduced to the end, the connection address, and the time stamp (fig. 8A item #840, 890, 800); and wherein, if the reproduction termination flag with respect to a connection address in the memory outputted from the user input means indicates that reproduction has terminated (col. 13 L15-22), then the connection request creation means creates a connection request that requests sending of data from the beginning of that connection address(fig. 8A item #810).

As per claim 8, Glaser discloses the process wherein every time that intra-coded data is decoded, the decoding means outputs a time stamp of those data to the memory management means (fig. 8A).

As per claim 9, Glaser discloses the system comprising receiving situation reporting means that operates when connected to the server, and that regularly sends receiving reports indicating that data have been received and receives sending reports sent by the server and

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indicating that data have been sent (fig 13, col. 15 L20-65, col. 18 L59-67), wherein, if the receiving situation reporting means does not receive a sending report sent by the server within a predetermined time, then it outputs a signal indicating that a region in which data cannot be received has been entered (col. 12 L67 to col. 13 L22).

As per claim 11, it does not disclose or further define over the limitations in claim 3-9.

Therefore claim 11 is rejected for the same reasons as set forth in claim 3-9.

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3. Claims 3-9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,784,527 issued to Ort in view of US Patent 6,356,541 issued to Muller et al. (Muller) and in further view of Schulzrinne et al. (hereinafter Schulzrinne, RFC 2326).

As per claim 3, 11, Ort teaches a data receiving terminal for receiving and reproducing data sent from a server (Abstract), comprising:

data receiving means for receiving data having time stamps indicating reproduction order(col.14, lines 56-col.15, lines 8);

decoding means for decoding data received by the data receiving means in the order of the time stamps, and outputting the time stamps of the decoded data(col.7, lines 1-48, col.14, lines 56-col.15, lines 8); memory for storing stamp (col.2, lines 36-65,col.7, lines 1-46); display means for displaying the data decoded by the decoding means(col.7, lines 26-44); timestamp stored in memory(Abstract, col.14, lines 56-col.15, lines 8); memory management means for managing that the time stamp outputted by the decoding means replaces a time stamp corresponding to the connection address during connection in the memory(col.2, lines 36-65,col.7, lines 1-46).

Ort however does not explicitly teach a memory for storing at least connection; user input means for analyzing an external operation, and outputting at least a connection address; connection address detection means for detecting whether the connection address outputted by the user input means is stored in the memory; connection request creation means for creating a connection request requesting the server to send data, based on the connection address outputted from the user input means, the detection result from the connection address detection means, and the connection stored in the memory; and message sending/receiving means for sending the

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connection request created by the connection request creation means to the server, and processing the response from the server, wherein the connection request is configured to receive from the server a reproduction from an intermediate portion of a data stream; a memory for storing at least connection address.

Muller teaches a memory for storing at least connection (Abstract); user input means for analyzing an external operation, and outputting at least a connection address (Abstract, col.2, lines15-50); connection address detection means for detecting whether the connection address outputted by the user input means is stored in the memory (Abstract, col.2, lines15-50); connection request creation means for creating a connection request requesting the server to send data, based on the connection address outputted from the user input means, the detection result from the connection address detection means, and the connection stored in the memory (Abstract, col.2, lines15-50); and message sending/receiving means for sending the connection request created by the connection request creation means to the server, and processing the response from the server (Abstract, col.2, lines15-50); a memory for storing at least connection address(Abstract, col.2, lines15-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Ort of storing timestamps in memory and to stream data to connect a user to a server using an address and to store address in memory as taught by Muller in order to connect a user to a server.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Ort and Muller in order to provide a system to transmit audio or video data from a server to a user.

However, Muller does not disclose a message/receiving means for sending the connection request, wherein the connection request is configured to receive from the server a reproduction from an intermediate portion of a data stream.

Schulzrinne, from the same field of endeavor discloses the process wherein the connection request can be configured to receive from the server a reproduction from an intermediate portion of a data stream (pg. 34 paragraph 10.5 to pg. 37 paragraph 10.6).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Ort in view of Muller and in further view of Schulzrinne in order to in order to send a request that is configured to receive from the server a data from an intermediate portion of a data stream.

One of ordinary skilled in the art would have been motivated because it would have ensured continuous pause/play cycling of the data stream without gaps (Schulzrinne, pg. 37).

As per claim 4, the data receiving terminal according to claim 3, wherein, if the connection address detection means has detected in the memory the connection address indicated by the user input means, the connection request creation means requests the sending of data from a data position indicated by the time stamp corresponding to this connection address(Ort, col.7, lines 1-48, col.14, lines 56-col.15, lines 8, and Muller, col.2, lines 15-50). Motivation to combine set forth in claim 3.

As per claim 5, the data receiving terminal according to claim 3, wherein the user input means further analyzes external operation and outputs a selection signal in response to a message; wherein, if the connection address detection means has detected in the memory the connection address indicated by the user input means, the connection request creation means

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displays a message with the display means asking to decide whether to request the sending of data from the time stamp with respect to that connection address, and creates a connection request to the server based on a selection signal with regard to the message outputted from the user input means(Muller, col.2, lines 15-50and Ort, col.7, lines 1-48, col.14, lines 56-col.15, lines 8). Motivation to combine set forth in claim 3.

As per claim 6, the data receiving terminal according to claim 3, wherein the memory stores as a group at least an active flag indicating whether content is being received, the connection address(Muller, Abstract), and the time stamp(Ort, Abstract); and wherein, when the time stamp is outputted by the decoding means, the memory management means detects, of the active flags stored in the memory(Ort, col.7, lines 1-46), an active flag indicating that content is being received, and replaces the time stamp corresponding to this active flag indicating that content is being received(Ort, col.7, lines 1-46). Motivation to combine set forth in claim 3.

As per claim 7, the data receiving terminal according to claim 3, wherein the memory stores as a group at least a reproduction termination flag indicating content that has been reproduced to the end, the connection address, and the time stamp(Ort, Abstract, col.7, lines 1-44, col.2, lines 36-65); and wherein, if the reproduction termination flag with respect to a connection address in the memory outputted from the user input means indicates that reproduction has terminated, then the connection request creation means creates a connection request that requests sending of data from the beginning of that connection address(Muller, col.2, lines 15-50). Motivation to combine set forth in claim 3.

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As per claim 8, the data receiving terminal according to claim 3, wherein every time that intra-coded data is decoded, the decoding means outputs a time stamp of those data to the memory management means(Ort, col.7, lines 1-44).

As per claim 9, the data receiving terminal according to claim 3, further comprising a receiving situation reporting means that operates when connected to the server, and that regularly sends receiving reports indicating that data have been received, and receives sending reports sent by the server and indicating that data have been sent(Ort, col.2, lines 35-65,col.4, lines 59-col.5, lines 67); wherein, if the receiving situation reporting means does not receive a sending report sent by the server within a predetermined time, then it outputs a signal indicating that a region in which data cannot be received has been entered(Ort, col.2, lines 35-65,col.4, lines 59-col.5, lines 67).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Barnert et al., U. S. Patent No. 6,239,793 B1: Synchronizing the broadcast content of interactive Internet-based programs.
- b. Bommaiah et al., U. S. Patent No.: 6,708,213 B1: Streaming Multimedia information over the public networks.

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Conclusion

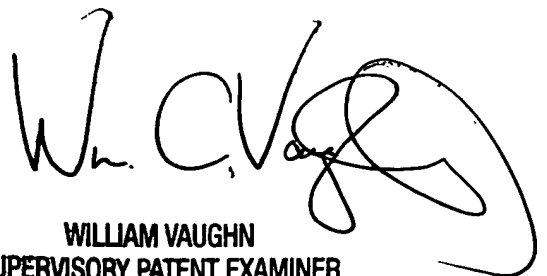
Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit 2151
July 25, 2006.



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